

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Samuel Keith Jackson,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No.:0:06-1837
	)	
State of South Carolina and Anthony	)	
Padula, Warden of Lee Correctional	)	
Institution,	)	
	)	
Respondents.	)	
_____	)	

**ORDER**

Petitioner filed the instant action for habeas relief pursuant to 28 U.S.C. § 2254 on June 19, 2006. (Doc. #1). Currently pending before the Court are Respondents' motion for summary judgment filed September 11, 2006. (Doc. #7). Petitioner responded to the pending motion on October 27, 2006. (Doc. #10).

This matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Bristow Marchant on July 24, 2007. (Doc. #12). In the Report, Magistrate Judge Marchant recommends that Respondents' motion for summary judgment be granted and the habeas petition be dismissed with prejudice. Id. Petitioner filed objections to the Report on August 20, 2007. (Doc. #18).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or

specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report, the objections thereto, and the relevant filings in this case, the Court accepts the Report. Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that Respondents' Motion for Summary Judgment is **GRANTED** and the habeas petition is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

S/ Terry L. Wooten

Terry L. Wooten  
United States District Judge

September 25, 2007  
Florence, South Carolina